

March 15, 2013

<name>
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Dear Child Care Provider:

The Department of Social Services, Division of Child Care is reviewing child care regulations to ensure they are up to date and in line with current practice. This review also takes into consideration various suggestions received from child care providers solicited this past year. Changes are being proposed to the following three Administrative Rules of South Dakota (ARSD) chapters that are pertinent to Before-and-After-School program licensure:

1. ARSD Chapter 67:42:01 Provision and Scope of Services.

This chapter was replaced with a new Chapter 67:42:16 Scope of Services for Child Care Programs. Rules from Chapter 67:42:01 pertain to all types of licensed facilities. For better clarity, the new replacement Chapter 67:42:16 is proposed to be a stand-alone chapter pertinent only to child care programs.

2. ARSD Chapter 67:42:14 Before-and-After-School Care.

This chapter is specific to before-and-after-school care and contains various proposed updates and clarifications.

3. ARSD Chapter 67:42:11 Environmental Health Standards.

This chapter is specific to day care centers, group family day care homes and before-and-after-school programs.

Proposed revisions from ARSD Chapters 67:42:01, 67:42:11 and 67:42:14 requiring a change in current practice for before-and-after-school programs are as follows:

- 67:42:14:24 Medications. Proposing additional documentation when administering medications to children in care to ensure proper dosage, times, etc. Repetitive language deleted.
- 67:42:14:28 Minimum fire and life safety requirements. Added the need to conduct fire drills and post emergency evacuation plans. All children and staff need to know how to evacuate in the event of a fire.
- 67:42:11:09 Water Supply. The requirement for a minimum water temperature is proposed to be deleted (currently 110 degrees). The rule would require the water temperature to not exceed 120 degrees. Deleted requirements related to water supply.

The following proposed revisions from ARSD Chapters 67:42:01, 67:42:11 and 67:42:14 require no substantive change in practice. The revisions help clarify intent or increase flexibility for providers such as redefining staff roles to match current practice and allowing broader choices for staff training during the first two years of employment.

67:42:14:01 Definitions; 67:42:14:03 Center operator –Responsibilities; 67:42:14:06 Supervisor Qualifications; 67:42:14:08 Staff qualifications; 67:42:14:10 Employee hiring practices; 67:42:14:12 Staff orientation; 67:42:14:13 Staff training; 67:42:14:14 Staff responsibility for reporting suspected incidents of child abuse or neglect; 67:42:14:21 Nutrition requirements; 67:42:14:23 Required records; 67:42:11:02 Playground area; 67:42:11:06 Toilet facilities; 67:42:11:07 Cleaning and sanitizing of equipment; 67:42:11:12 Heating, ventilation and cooling systems; 67:42:11:14 Railings; 67:42:11:16 Food supplies; 67:42:11:18 Food storage; 67:42:11:33 Hand washing; 67:42:11:34 Garbage and refuse; 67:42:11:39 Walls and ceilings; 67:42:16:01 Definitions; and 67:42:16:10 Denial of license or registration certificate.

The following rules in ARSD Chapters 67:42:01, 67:42:11 and 67:42:14 are proposed to be omitted because they do not pertain to before-and-after-school care programs, are addressed elsewhere in law or rule, or they are no longer relevant. For example, on- site visits to determine compliance is already addressed elsewhere in rule and reference to Civil rights is addressed in federal and state law.

67:42:01:04 Application for license or registration certificate; 67:42:01:06 Ability to provide care; 67:42:01:09 Validity of license or registration certificate; 67:42:01:10 Limitations on combining types of care; 67:42:01:11 On-site visits to determine compliance and evaluate activities; 67:42:01:13 Civil rights; 67:42:01:14 Provisional license or registration certificate; 67:42:01:17 Withdrawal of license or registration certificate; 67:42:01:23 Location; 67:42:11:04 Lighting; 67:42:11: 07.01 Manual cleaning and sanitizing; 67:42:11:07.02 Mechanical cleaning and sanitizing; 67:42:11:13 Electrical wiring; 67:42:11:17; Food Protection; 67:42:11:19 Refrigerated storage; 67:42:11:21 Reheating; 67:42:11:22 Thawing potentially hazardous foods; 67:42:11:26 Multi-use equipment and utensils; 67:42:11:27 Single-service articles; 67:42:11:28 Equipment and utensil handling; 67:42:11:30 Storage and handling of single- service articles; 67:42:11:31 Sewage; 67:42:11:32 Plumbing; 67:42:11:35 Garbage and refuse disposal; 67:42:11:42 Handwashing; 67:42:14:02 Application for licensure; 67:42:14:04 Center operator qualifications; 67:42:14:05 Supervisor Responsibilities; 67:42:14:07 Site coordinator; 67:42:14:11 General requirements for all staff; and 67:42:14:18 Limit on number of children allowed in activity grouping.

Any other rules with proposed changes not addressed above contain only internal reference changes or minor language cleanup.

You may review the entire rule package with proposed changes at <http://dss.sd.gov/news/hearings/>. If you have any comments or additional input, please contact Carroll Forsch, Assistant Director, by April 5, 2013 at 605-773-4766. You may also submit your comments in writing to the Division of Child Care at 910 E. Sioux Avenue, Pierre, SD 57501 or via email to Carroll.Forsch@state.sd.us.

The next steps in this process include a public hearing that will take place this spring. A notice for this hearing will be placed on the Child Care Services website as well as in other publications as required by law.

Sincerely,



Patricia Monson
Division Director